

IC 5-21-2

Chapter 2. Establishment of the Commission; General Administration

IC 5-21-2-1

Intelenet commission; establishment

Sec. 1. The intelenet commission is established as a body corporate and politic.

As added by P.L.54-1986, SEC.1. Amended by P.L.11-1993, SEC.6.

IC 5-21-2-2

Powers and duties

Sec. 2. (a) The commission may:

- (1) employ qualified staff;
- (2) engage in ongoing planning and development activities;
- (3) enter into and administer contracts, leases, and other agreements;
- (4) adopt bylaws and otherwise manage its internal affairs;
- (5) sue and be sued;
- (6) borrow funds under IC 5-21-4;
- (7) receive, hold, use, and dispose of property, other than real property and other than the intelenet system, in the name of the commission;
- (8) exercise any other power necessary or incident to carrying out this article; and
- (9) enter into a contract for sharing capacity and intelenet systems with an entity issued a certificate under IC 8-1-2-88 by the utility regulatory commission as a local exchange telephone service provider for the delivery of telecommunication services or information technology services.

(b) The commission shall implement through the intelenet system a comprehensive statewide digital telecommunication system known as Access Indiana derived from a strategic planning process and coordinated through the commission by working with public agencies and private sector organizations to provide intelenet service.

(c) The commission shall enter into a competitively bid contract with a network manager to provide for the development, operation, maintenance, and expansion of electronic transactions with a public agency and electronic information access from a public agency.

As added by P.L.54-1986, SEC.1. Amended by P.L.45-1996, SEC.7; P.L.19-1997, SEC.5.

IC 5-21-2-2.1

Code of ethics

Sec. 2.1. (a) The commission shall:

- (1) adopt:
 - (A) rules under IC 4-22-2; or
 - (B) a policy;establishing a code of ethics for its employees; or
- (2) decide it wishes to be under the jurisdiction and rules

adopted by the state ethics commission.

(b) A code of ethics adopted by rule or policy under this section must be consistent with state law and approved by the governor.

As added by P.L.5-1996, SEC.8.

IC 5-21-2-3

Membership; vacancies; acting members

Sec. 3. (a) The commission consists of sixteen (16) members as follows:

(1) Four (4) members appointed by the governor for terms of four (4) years each with representation from the user community and general public.

(2) A representative of the governor to serve at the governor's pleasure.

(3) The lieutenant governor or the lieutenant governor's designee.

(4) The state budget director or the state budget director's designee.

(5) The superintendent of public instruction or the superintendent's designee.

(6) The director of the Indiana state library or the director's designee.

(7) The executive director, who serves as a nonvoting member and as secretary.

(8) The commissioner of the Indiana department of administration or the commissioner's designee.

(9) A representative of the coordinating unit established under IC 20-12-12-3.

(10) Two (2) members of the house of representatives appointed by the speaker of the house, who may not be members of the same political party, to serve as nonvoting ex officio members of the commission.

(11) Two (2) members of the senate appointed by the president pro tempore of the senate, who may not be members of the same political party, to serve as nonvoting ex officio members of the commission.

(b) If a vacancy occurs among the appointed members of the commission, the governor shall appoint another member to serve the unexpired term of the vacating member.

(c) The governor may authorize one (1) or more members of the commission to designate another individual to act for the member under this article. The governor's authorization may be modified or terminated at any time.

As added by P.L.54-1986, SEC.1. Amended by P.L.5-1993, SEC.20; P.L.45-1996, SEC.8.

IC 5-21-2-4

Officers; terms; duties

Sec. 4. (a) The commission shall elect one (1) member of the commission to serve as its chairperson and another member of the

commission to serve as its vice chairperson. These officers shall serve the term and perform the duties specified in the commission's bylaws.

(b) An officer elected under this section may not concurrently serve as executive director.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-5

Meetings

Sec. 5. Meetings of the commission shall be called and conducted in conformity with the bylaws of the commission.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-6

Quorum

Sec. 6. A quorum of the commission consists of seven (7) voting members. If at least a quorum of its members is present at a public meeting, the commission may take a final action upon the approval of seven (7) of the voting members of the commission.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-7

Compensation; reimbursement for expenses

Sec. 7. (a) Each member of the commission who is neither a state employee nor otherwise being compensated for service as a member of the commission is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(b) Each member of the commission who is either a state employee or otherwise being compensated for service as a member of the commission is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-8

Executive director; appointment; compensation

Sec. 8. (a) The governor shall appoint an executive director of the commission to serve at the pleasure of the governor.

(b) The commission shall set the executive director's compensation with the approval of the state budget agency.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-9

Conformity with commission policies and directives

Sec. 9. The executive director and the commission's other staff shall carry out this article in conformity with the policies and directives of the commission.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-10

State budget agency; state board of accounts; jurisdiction

Sec. 10. The commission is subject to the jurisdiction of the state budget agency under IC 4-13-2 and the state board of accounts under IC 5-11-1.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-11

Department of administration; jurisdiction; procurement procedures

Sec. 11. The commission is subject to the jurisdiction of the Indiana department of administration and the procurement procedures under IC 4-13-1, IC 4-13.6, and IC 5-22. The commission shall consider, in any procurement evaluation, the potential impact of the procurement upon local ratepayers in areas to be served by the procurement. However, the commission may enter into a lease or other agreement for any period not exceeding five (5) years and may renew the lease or other agreement for successive periods, each not to exceed five (5) years.

As added by P.L.54-1986, SEC.1. Amended by P.L.49-1997, SEC.33.

IC 5-21-2-12

Data processing oversight commission; jurisdiction

Sec. 12. The commission is not subject to the jurisdiction of the data processing oversight commission under IC 4-23-16.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-13

State merit employment; exemption

Sec. 13. The commission is not subject to IC 4-15-2.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-14

Annual report

Sec. 14. Before December 31 of each year, the commission shall issue a written report to the general assembly and the governor that summarizes the financial and operational performance of the commission during the preceding fiscal year and forecasts the commission's future financial and operational performance. The report issued to the general assembly shall be distributed to the president pro tempore of the senate, the minority leader of the senate, the speaker of the house of representatives, the minority leader of the house of representatives, and the executive director of the legislative services agency.

As added by P.L.54-1986, SEC.1.

IC 5-21-2-15**Tax exemption**

Sec. 15. (a) All property of the commission is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or a political subdivision of the state.

(b) All bonds or loan contracts issued under this article are issued by a body corporate and politic of this state, but not a state agency, and for an essential public and governmental purpose. The bonds and loan contracts, the interest on them, the proceeds received by a holder from the sale of the bonds or loan contracts to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

As added by P.L.54-1986, SEC.1. Amended by P.L.21-1990, SEC.9; P.L.254-1997(ss), SEC.8.